

3869/010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Michael Berthon-Jones et al.  
SERIAL NO. : 09/661,998  
FILING DATE : September 14, 2000  
GROUP ART UNIT : 3761  
EXAMINER : Joseph Weiss  
TITLE : PATIENT VENTILATOR SYNCHRONIZATION USING  
DUAL PHASE SENSORS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF AMENDMENT AND  
RESPONSE TO OFFICE ACTION**

Sir:


The Applicant hereby transmits the following in response to the Office Action of  
September 16, 2002:

- (1) Amendment and Response to Office Action;
- (2) Check in the amount of \$146.00 for new claims and one-month extension;
- (3) Fee transmittal form in duplicate; and
- (4) an itemized post card for return.

It is believed that no additional fees are required for the above submissions. However,  
the Commissioner is authorized to charge any additional fees that may be required, or to credit  
any overpayment, to our Deposit Account No. 07-1730. A duplicate transmittal page is provided  
for this purpose.

I hereby certify that the foregoing documents are being deposited with the United States  
Postal Service, Express Mail, Post Office to Addressee in an envelope addressed to the  
Assistant Commissioner for Patents, Washington, DC 20231 on the date below. (Express Mail  
label:

GOTTLIEB, RACKMAN & REISMAN, P.C.  
Attorneys for Applicant  
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Raymond B. Churchill, Jr. Reg. No. 44,617

Dated: January 8, 2003

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PTO/SB-17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**146.00**

## Complete if Known

Application Number	09/661,998
Filing Date	Sept. 14, 2000
First Named Inventor	BERTHON-JONES, Michael
Examiner Name	Joseph Weiss
Group Art Unit	3761
Attorney Docket No.	3869/010

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **07-1730**

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

1. BASIC FILING FEE					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$) <b>0.00</b>

2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  X  =

Independent Claims  - 3\*\* =  X  =

Multiple Dependent  =

Fee from below  Fee Paid

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) <b>36.00</b>

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) <b>110.00</b>

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Raymond B. Churchill, Jr.	Registration No. (Attorney/Agent)	44,617
Signature		Telephone	212-684-3900
		Date	January 8, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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